



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3-11

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In re the Application of

Roger DENIS

Group Art Unit: 3763

Application No.: 09/857,144

Examiner: L. H. Thanh

Filed: February 8, 2002

Docket No.: 109684

For: A SAFETY ASSEMBLY FOR A PREFILLED SYRINGE FOR INJECTING LIQUID,
IN PARTICULAR A MEDICINE

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Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Sir:

In reply to the January 29, 2003, Election of Species Requirement, Applicant provisionally elects Species IV, Figures 8-13, with traverse. Claims 1, 3, 5-7, 9-10 and 12-13 read on the elected species. Claims 1, 10 and 13 are generic to Species I and Species IV.

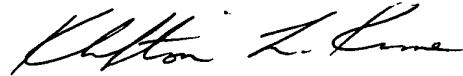
Applicant respectfully submits that Figs. 4-7 relate to a single species, contrary to the assertion in the Office Action. See, for example, page 5, line 28 to page 6, line 3, of the specification.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully

submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:KLK/dmw

Date: February 28, 2003

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